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STATE OF NEVADA



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STATE CONTRACTORS BOARD

MINUTES OF THE MEETING
September 21, 2016

CALL TO ORDER:

Noah Allison, Esq. called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, September 21, 2016, State Contractors Board, Henderson and Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign in Log.

ADMINISTRATIVE LAW JUDGE:

Mr. Noah Allison, Esq.

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Mr. Paul Rozario, Director of Investigations
Mr. George Lyford, Associate Director
Mr. Ron Lynn, Director of Operations

LEGAL COUNSEL PRESENT:

Mr. Jack Juan, Esq.

Ms. Grein stated the agenda was posted in compliance with the open meeting law on September 15, 2016, at Paseo Verde Library, Sawyer State Building and Clark County Library. The agenda was also posted in both offices of the Board, Henderson and Reno and on the Board's Internet Website.

ADMINISTRATIVE LAW JUDGE: NOAH ALLISON, ESQ.

1. DISCIPLINARY HEARING: (Continued from March 16, 2016, June 22, 2016, August 24, 2016)

ADDISON LANDSCAPING, INC., License No. 46744A

Licensee was present but not represented by counsel at the hearing.

ALJ Allison dismissed the Third Cause of Action and assessed investigative costs of \$7,110.00. The investigative costs are to be paid within sixty (60) days of the September 21, 2016 hearing or license number 46744A, Addison Landscaping, Inc. shall be suspended.

2. DISCIPLINARY HEARING:

TOP RANK BUILDERS, INC., License No. 74890

Licensee was present and represented by John Henry Wright, Esq. at the hearing.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Licensee Exhibits were entered:

Exhibit A – Respondent's Answer to the Board's Complaint dated June 29, 2016.

Exhibit B – Three (3) Zoning Review Applications from Pahrump Regional Planning District.

Exhibit C – A copy of a check made payable to Pahrump Building & Safety by American Wind Solar dated May 19, 2016.

ALJ Allison dismissed all Causes of Action. The Respondent's license limit was lowered to \$3,600,000.00.

3. DISCIPLINARY HEARING:

BRITIM, INC., License No. 62788

Licensee was present and represented by Donna DiMaggio, Esq. at the hearing.

The Board withdrew its Complaint against the Respondent.

4. DISCIPLINARY HEARING: DEFAULT ORDERS

a. TOTAL ENERGY SOLUTIONS, INC., dba T. E. S., License Nos. 76205, 78635

Licensee was not present nor represented by counsel at the hearing.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

ALJ Allison found Respondent Total Energy Solutions, Inc., dba T. E. S., license numbers 76205 and 78635 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Respondent was found guilty of one (1) violation of NRS 624.302(2) failure to comply with a written citation; one (1) violation of NRS 624.3013(4) failure to keep in force the bond or cash deposit for the full period required by the Board; NRS 624.3013(3) failure to establish financial responsibility; and NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. Respondent was assessed a fine of \$1,000.00 for each of the First, Second and Third Causes of Action for total fines of \$3,000.00 and investigative costs of \$1,935.00. Respondent was ordered to pay the fines of \$1,500.00 and investigative costs of \$475.00 from the Administrative Citation violation in the First Cause of Action. License numbers 76205 and 78635, Total Energy Solutions, Inc., dba T. E. S. were revoked. Respondent is required to make full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund plus pay the fines and investigative costs prior to consideration of future licensure.

b. RUSSELL FILAND BUILDERS, INC., License No. 68291

Licensee was not present nor represented by counsel at the hearing.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

ALJ Allison found Respondent Russell Filand Builders, Inc., license number 68291 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Respondent was found guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.302(5) failure to respond to a written request from the Board; one (1) violation of NRS 624.302(6) failure to comply with a written request from the Board;

one (1) violation of NRS 624.3016(1) any fraudulent or deceitful act committed in the capacity of a contractor; and one (1) violation of NRS 624.3013(4) failure to keep in force the bond or cash deposit for the full period required by the Board. Respondent was assessed a fine of \$1,000.00 for each of the First, Second, Third, Fourth and Fifth Causes of Action for total fines of \$5,000.00 and investigative costs of \$1,842.00. License number 68291, Russell Filand Builders, Inc. was revoked. Respondent is required to make full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund plus pay the fines and investigative costs prior to consideration of future licensure.

c. ROD ARRON KOPERK, OWNER, dba ROD KOPREK ROOFING, License No. 50820

Licensee was not present nor represented by counsel at the hearing.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

ALJ Allison found Respondent Rod Arron Koprek, Owner, dba Rod Koprek Roofing, license number 50820 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Respondent was found guilty of one (1) violation NRS 624.3017(1) substandard workmanship; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with Board's Notice to Correct; one (1) violation of NRS 624.302(5) failure to respond to a written request from the Board; one (1) violation of NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund notice to owner; one (1) violation of NRS 624.3011(1)(b)(4) violation of the laws of this State regarding industrial insurance; two (2) violations of NRS 624.302(7) failure to comply with an order by the Board; and one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was found in violation of all Causes of Action; however fines and investigative costs were not assessed due to Respondent's Chapter 13 bankruptcy filing. License number 50820, Rod Arron Koprek, Owner, dba Rod Koprek Roofing was revoked.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by ALJ Allison at 11:40 a.m.

Respectfully Submitted,



Melinda Mertz, Recording Secretary

APPROVED:



Margi A. Grein, Executive Officer



Noah Allison, Esq., Administrative Law Judge